

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**UNITED STATES OF AMERICA and  
JESSICA ELS,**

**Plaintiffs,**

**v.**

**Case No: 6:19-cv-1884-CEM-DCI**

**ORLANDO HEART & VASCULAR  
CENTER, LLC and VINEEL  
SOMPALLI,**

**Defendants.**

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**ORDER**

This cause comes before the Court for consideration on two motions: Relator's Motion for Leave to Take Additional Fact Witness Depositions (Doc. 174; the Deposition Motion) and Relator's Motion to Compel Response to Fifth Request for Production to OHVC (Doc. 176; the Motion to Compel). The Court held a hearing on these motions on July 20, 2023.

The Deposition Motion is granted. Defendants did not respond to the Deposition Motion, so the Court takes the Deposition Motion as unopposed. Local Rule 3.01(c). The Court routinely grants motions that are unopposed. *See, e.g., Foster v. The Coca-Cola Co.*, 2015 WL 3486008, at \*1 (M.D. Fla. June 2, 2015) ("Based upon Plaintiff's failure to respond to Defendant's motion, the Court proceeds on the basis that Plaintiff does not oppose any of the relief requested by Defendant."). Therefore, the Deposition Motion is granted as unopposed.

The Motion to Compel is granted in part. Six months ago, the Court overruled Defendant Orlando Heart & Vascular Center, LLC's (OHVC) objections and compelled Defendant OHVC to

produce documents responsive to Relator’s First RFP (Doc. 98-1). Doc. 107. That production was due on or before February 8, 2023, but that deadline was extended to February 17, 2023. Docs. 107; 112. Then, when considering a subsequent motion to compel, the Court again compelled Defendant OHVC to “provide a supplemental, unredacted production in response to Relator’s RFP” and to “certify whether [its] production is full and complete.” Doc. 157 at 1. Defendant OHVC was to do so on or before May 14, 2023. *Id.* Despite these orders, Defendant OHVC has still not fully responded to Relator’s first RFP (Doc. 98-1). Docs. 176 at 1–2; 177 at 4.

Now, in the Motion to Compel, Relator seeks to inspect and copy Defendant OHVC’s eMDs database (where the documents that the Court required to be produced in prior Orders are stored) in order to acquire the full production that they are due.<sup>1</sup> Doc. 176 at 5. For the reasons stated at the hearing, the Court finds Relator’s request well-taken. *See also* Fed. R. Civ. P. 34(a)(1)(A) (“(a) A party may serve on any other party a request . . . (1) to produce and **permit the requesting party or its representative to inspect [or] copy** . . the following items in the responding party’s possession, custody, or control: **any . . . electronically stored information**—including . . . other data or data compilations—stored in any medium from which information can be obtained . . . directly . . . .”) (emphasis added).

Accordingly, it is hereby **ORDERED** as follows:

- 1) The Deposition Motion (Doc. 174) is **GRANTED**, such that each party<sup>2</sup> may take up to thirty depositions;

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<sup>1</sup> Relator alternatively requests that Defendant OHVC be compelled to produce its entire eMDs database to Relator.

<sup>2</sup> At the hearing, Defendants requested that the parties have the same number of depositions; the request was unopposed.

- 2) The Motion to Compel (Doc. 176) is **GRANTED in part**, such that:
- a. Defendant OHVC shall turn over a copy of its eMDs database to Relator for inspection;
  - b. Relator may copy and retain data from the database that is the subject of this Court's prior Orders compelling discovery (Docs. 107; 157);
  - c. Relator shall provide Defendant OHVC with a copy of any data it has copied and retained from the eMDs database;
  - d. Relator shall then return the copy of the eMDs database to Defendant OHVC;
  - e. The Motion to Compel (Doc. 176) is **DENIED in all other respects**; and
- 3) The obligation to comply with this Order is **STAYED** pending further Order of the Court.

**ORDERED** in Orlando, Florida on July 20, 2023.



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DANIEL C. IRICK  
UNITED STATES MAGISTRATE JUDGE